

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON APPLICATION FOR APPROVAL
OF THE REDEVELOPMENT PROJECT LOCATED OFF
WALLINGFORD ROAD IN BRIGHTON BY THE JEWISH
COMMUNITY HOUSING FOR THE ELDERLY, INC.

A. The Hearing. A public hearing was held at 2:15 P.M. on July 25, 1968, in the offices of the Boston Redevelopment Authority (hereinafter called "the Authority") at 73 Tremont Street, Boston, Massachusetts, by the Authority on an Application (hereinafter called "the Application") filed by The Jewish Community Housing for the Elderly, Inc. (hereinafter called "the Applicant") for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended (hereinafter called "the Project"), due notice of said hearing having been given previously by publication on July 9 and July 24, 1968, in the Boston Herald Traveler, a daily newspaper of general circulation published in Boston, and mailing postage prepaid, in accordance with Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A Projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended.

Rt. Rev. Msgr. Francis J. Lally, Chairman of the Authority, and James G. Colbert, Melvin J. Massucco, and Patrick Bocanfuso, members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the construction, operation and maintenance by the 121A Corporation of approximately 340 apartment units and appurtenant facilities on a parcel of land located off Wallingford Road in Brighton in the City of Boston containing approximately 376,150 square feet described on a plan entitled "City of Boston - Public Works Department - Engineering Division - Wallingford Road, Brighton - Jan., 1963 - Frederick L. Garvin, Act. Division Engineer", said plan being referred to in a Resolution of the Boston City Council adopted December 18, 1967, a copy of which was filed with the Application as an Exhibit. The premises on which the Project is to be located is hereinafter referred to as "the Project Area". The land is presently owned by the City of Boston. By a vote of the City Council adopted December 18, 1967, and approved by the Mayor on December 27, 1967, the Mayor is authorized to sell the land above-described to The Jewish Community Housing for the Elderly, Inc.

for the sum of \$175,000.00 for the purpose of building thereon not less than 200 apartment units for elderly persons pursuant to financing arrangements under the Senior Citizens Housing Loan Program of the Community Facilities Administration of the United States Department of Housing and Urban Development.

The following structures and facilities are proposed to be constructed on the Project Area:

1. A high-rise building and a series of two-story buildings containing in the aggregate approximately 340 apartment units to be constructed in two phases. Phase I, providing for 243 units, will consist of a flat slab concrete frame structure 10 stories in height, located on the eastern half of the site and will contain 171 efficiency apartments and 72 one-bedroom apartments.

2. Phase II will consist of a series of two-story inter-connected buildings located on the western half of the site and will contain between 88 and 110 units of efficiency and one-bedroom unit composition.

3. Complete kitchen facilities in all apartments, a dining and assembly room, kitchen facilities to

service the dining room, a meeting room, games and TV room, commissary and laundry lounge.

4. On-site parking to accommodate 77 automobiles.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority have also viewed the Project Area.

The project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction, operation and maintenance of decent, safe and sanitary residential buildings and appurtenant facilities.

D. The Project Area. The existing conditions warrant a finding that the Project Area is a "blighted open area" within the meaning of Section 1 of Chapter 121A. In particular, the Authority finds that it is an area that is unduly costly to develop soundly through the ordinary operations of private enterprise because the project site contains very considerable quantities

of ledge. Sound development of the Project Area and the topographical conditions of the land itself dictate construction on only a small percentage of the Project Area, and the preservation and landscaping of substantial open areas.

The conditions which cause the blight are not being remedied by the ordinary operations of private or public enterprise. The topographical conditions of the site present such serious development difficulties that the Parks and Recreation Department of the City of Boston which had the custody of the site for more than a decade was not able by reasonable expenditure to use the site as a recreational facility. No other residential proposals have been undertaken because their prosecution and completion under the conditions in the Project Area have not been feasible without the aids provided by Chapter 121A of the General Laws as amended and Chapter 652 of the Acts of 1960.

These conditions warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws, and the application constitutes a "project" within the meaning of that law. The Authority has concluded

that while this Project Area stands near the limits of the statutory definition "blighted open area", it is well inside these limits. The purpose of Chapter 121A and Chapter 652 of the Acts of 1960 will be met by this Project. The demand for decent, safe, and sanitary housing for elderly persons at rent levels below those which the conventional operations of the real estate market produce is, as a matter of common knowledge, intense. Long waiting lists face any elderly person who seeks admission to existing public housing for the elderly projects. Construction of a substantial and handsome series of structures proposed for the Project Area will serve to alleviate this intense demand, and will in addition encourage the conservation and improvement of an area of substantial dwellings located adjacent to the Project Area. It will provide substantial financial return to the City of Boston. Exhibit E of the Application sets forth the amounts to be paid by agreement to the City of Boston in addition to the excise prescribed by Section 10 of Chapter 121A. This agreement provides in substance that there be paid to the City of Boston in lieu of real estate taxes in each of the forty calendar years after approval of the Project,

such amount over the excise payable under General Laws, Chapter 121A, Section 10, so that the aggregate annual payment to the City shall not be less than \$25,000 for 240 dwelling units in the Project and \$37,000 for 360 dwelling units or 15% of the gross rents, whichever is the greater figure.

E. Cost of the Project. In the opinion of the Authority the cost of the project has been realistically estimated in the Application and the Project is practicable. The budget for Phase I contemplates a total cost of \$3,000,000 of which the component for construction is in excess of \$2,600,000 with the balance for land cost, interest during the construction, architectural and engineering fees, interest for debt service reserve, legal and administrative expenses, and a contingency allowance. No budget has yet been made for Phase II. The Project is to be built under a program authorized by Section 202 of the U. S. Housing Act of 1949, as amended. This program, known as the Senior Citizens Housing Loan Program of the Community Facilities Administration of the U. S. Department of Housing and Urban Development, is administered by CFA and provides for 100% mortgage

financing with a below market interest rate of 3% amortized over fifty years. The Applicant has filed an Application for a CFA mortgage commitment for Phase I. Under CFA regulations, however, an irrevocable mortgage commitment will not issue until after completion of working drawings and specifications and a determination through bidding procedures that the Project can be built within CFA budget limits. Upon completion and occupancy of Phase I, the Applicant intends to apply for a CFA mortgage under Phase II. The working capital required until a CFA irrevocable commitment has been obtained is being furnished by the Combined Jewish Philanthropies, the fund raising and planning arm of the Jewish community in Greater Boston. All funds which will be required in addition to those expected to be obtained from the CFA under its 202 Senior Citizens Housing Loan Program, are either already available or it appears realistic to believe will become available to the Applicant at the appropriate time.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan of the City of Boston. The Master Plan contemplates multi-family housing in the area in which the project site is

located, and the Project is, therefore, consistent with the Master Plan.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will in fact forward the best interests of the City and will constitute a public use and benefit. The structures to be erected under the Project are attractive and efficiently designed buildings, with ample light and air and appurtenant spaces and will enhance the general appearance of the area and furnish attractive and necessary living accommodations. A high-rise plan was selected for Phase I in order to leave a maximum of open land and to avoid the severe ledge problems imposed by the site, and is consistent with the design recommendation of HUD. Because the 10-story structure contemplated for Phase I is set back from the peripheral lot lines of the site and will be surrounded by ledge and landscaping features, the height of this structure will be entirely self-contained within the elderly housing site and will have no effect on the surrounding area.

The location proposed is excellent for housing for elderly persons, because it presents ready access to public transportation, affords pleasant park-like surroundings, is convenient to the Cleveland Circle retail area, and is conveniently located with respect to excellent medical facilities. The Community Facilities Administration has made a favorable determination with respect to the social and economic qualification of the project site for senior citizens housing.

The carrying out of the Project will not in itself involve the destruction or alteration of any existing structures nor, in any way, the displacement of any persons from their present dwellings.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in Exhibit D filed with and attached to the Application are hereby adopted and imposed as rules and regulations (in addition to those hereinafter adopted and imposed) applicable to this

Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit D, the Authority hereby requires that the applicants prior to obtaining a building permit

- 1) submit to the Authority for its approval a proposed traffic pattern for the streets and ways in and abutting the Project Area; 2) enter into a regulatory agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18c and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; 3) submit to the Authority for its review and approval such plans and specifications for the project that the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and 4) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require the erection, maintenance, and use of a garage within

500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not involve the construction of units which constitute a single building under the Boston Building Code and Zoning Law.

I. DEVIATIONS. Exhibit C filed with and attached to the application sets forth the permissions requested for the Project to deviate from zoning, building, health and fire laws, codes, ordinances, and regulations in effect in the City of Boston. For the reasons set forth in the Application and supporting documents, including said Exhibit C, and in the evidence presented at the hearing, and in this report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the project and may, subject to such conditions as are hereafter set forth with respect thereto respectively, be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances, and regulations respectively;

and the Authority is also satisfied by reliable and generally accepted tests, or by experience in other cities that the other designs, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit C, and in the evidence presented at the hearing, will sufficiently satisfy the purposes for which it or they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations respectively.

ZONING CODE

1. Use. The Applicant proposes a multi-family project on a nine-acre site. Multi-family dwellings are forbidden in a R-.5 district, the zoning district in which the Project Area is located. The Applicant has articulated in its Application the intense demand and need for housing of this kind and the Authority recognizes this demand and need. It is further recognized that such housing could not be made available in either the volume or with the amenities furnished were it built in the style of two-family units, the use for which the zoning district is now designated. Therefore, in order to permit the development of multi-family dwellings on the Project Area, permission to deviate from the use requirements of Table A, Item No. 7 of

Section 8-7 of the Zoning Code as set forth in request numbered I.1. of Exhibit C of the Application is hereby granted.

2. Lot Area Per Unit. Permission to deviate from the lot area per dwelling unit requirements as prescribed by Section 13-1 of the Zoning Code, Table B thereof, and Section 14-2 of the Zoning Code, as set forth in request numbered I.2. of Exhibit C of the Application is hereby granted. Table B of Section 13-1 of the Zoning Code requires that a minimum of 3,000 square feet be provided per dwelling unit. The Project provides for 1,106 square feet per dwelling unit. Because the lot area per dwelling unit to be provided does represent a high ratio of land to dwelling unit for apartment buildings and because the open space on the Project site, which represents 89.8% of the overall site, is unusually large and will constitute a more usable open area and park-like atmosphere than is the case in standard two-family development, the Authority is of the opinion that the lot area per dwelling unit requirements may be exceeded without substantially derogating from the intent and purpose of the Zoning Code.

3. Height. Permission to deviate from the height limitations prescribed by Section 13-1 of the Zoning Code, Table B thereof, and Section 16-1 of the Zoning Code, as set forth in the request numbered I.3. of Exhibit C of the Application is hereby granted. The height limitation in an R-.5 district is 35 feet. The height of the ten-story structure in Phase I of the project is not more than 90 feet. As the Applicant has articulated in its Application, strict adherence to this height limitation would result in substantially greater ground coverage of the locus and would consequently prevent the Applicant from avoiding some of the severe ledge problems imposed by the site. Because the ten-story structure which is to be Phase I is set back from the peripheral lot lines of the site, and the height of the building will be entirely self-contained within the site and have no effect on the surrounding area, the Authority is of the opinion that the height limitations imposed in an R-.5 district may be exceeded in this case without substantially derogating from the intent and purposes of the Zoning Code.

4. Usable Open Space. Section 13-1 of the Zoning Code, Table B thereof, and Section 17-1 of the Zoning Code require a minimum of 1,000 square feet of usable open space per dwelling unit. Adherence to this provision would require 340,000 square feet of usable open space, almost the entire square footage of the Project Area, and is in the opinion of the Authority plainly unrealistic, with reference to elderly housing in an urban area. Therefore, permission to deviate from the usable open space requirements of Section 13-1 of the Zoning Code, Table B thereof, and Section 17-1 of the Zoning Code, as set forth in request numbered I.4. of Exhibit C of the Application is hereby granted.

5. Floor Area. The maximum floor area ratio permitted within the Project Area is .5. The floor area ratio of the Phase I structure will be .9. The Authority is of the opinion, however, that this FAR limitation may be exceeded without substantially derogating from the intent and purposes of the FAR limitations of the Zoning Code. Accordingly, permission to deviate from Section 13-1 of the Zoning Code, Table B thereof and Section 15-1 of the Zoning Code as set forth in request numbered I.5. of Exhibit C of the Application is hereby granted. -16-

6. Parking. Permission to deviate from Section 23-1 of the Zoning Code as set forth in request numbered I.6. of Exhibit C of the Application is hereby granted. Section 23-1 of the Zoning Code requires one space per dwelling unit in a .5 district. The Applicant proposes 43 parking spaces for Phase I and 34 parking spaces for Phase II, a total of 77 parking spaces for 340 units. This will result in a ratio of approximately 1 space per 4.4 dwelling units. It is the Authority's opinion that elderly housing accommodations for persons of limited means require little parking beyond reasonable accommodation for visitors and that the 77 parking spaces furnished would appear to meet this need. Furthermore, the income limitations imposed upon tenancies in a project preclude the likelihood that, except in rare instances, tenants would be owning and operating their own cars. It is therefore the opinion of the Authority that deviation from the parking ratio requirement of the Code would not in this instance substantially derogate from the intent and purposes of the Code.

II. BUILDING CODE

1. Permission to deviate from Section 1008(a) of the Building Code which requires installation of automatic sprinklers in kitchens in buildings more than six stories high, even if of Type I construction, as set forth in request numbered II.1. of Exhibit C of the Application is hereby granted, provided that an approved fire alarm system is installed suitably connected to the Boston Fire Alarm System with an alarm box on each floor and an approved fire detection head is installed in each apartment and connected to the fire alarm system.

2. Permission is hereby granted to deviate from the provisions of Section 2630 (a) of the Boston Building Code as set forth in request numbered II.2. of Exhibit C of the Application by exceeding the pounds per square inch limitations contained therein upon such criteria and specifications as the Building Commissioner of Boston may prescribe.

The Authority hereby finds that the Application and the Project conform to and comply with each and every applicable requirement of Chapter 121A of the

General Laws, Chapter 652 of the Acts of 1960 and the applicable Rules and regulations of the Authority and the Authority for these reasons and for the reasons set forth in the Application and supporting documents including Exhibit C and the evidence presented at the hearing and in this Report hereby approves the project as requested in the Application.

MEMORANDUM

OCTOBER 31, 1968

TO: Boston Redevelopment Authority

FROM: Hale Champion, Development Administrator

SUBJECT: REPORT AND DECISION ON CHAPTER 121A APPLICATION
BY THE JEWISH COMMUNITY HOUSING FOR THE ELDERLY,
INC.

SUMMARY: This memo requests that the Board adopt the
report approving The Jewish Community
Housing 121A Redevelopment Project in
Brighton.

A public hearing was held by the Authority on July 25, 1968, on an application filed by The Jewish Community Housing for the Elderly, Inc., for authorization and approval of a redevelopment project under Chapter 121A of the Massachusetts General Law and Chapter 652 of the Acts of 1960, as amended.

The 121A Application has been examined and found to contain sufficient evidence in support of the proposed undertaking to permit the Authority to proceed with the adoption of the attached Report and Decision approving the project.

This development presents an opportunity for the construction of much needed and desirable low-moderate income elderly housing in Boston. As indicated by the Applicant at the public hearing and as stated in the Application, a building apartment complex will be constructed in two Phases on a 376,000 square foot site located off Wallingford Road in Brighton. The site presently owned by the City of Boston has been authorized for sale to the Applicant by vote of the City Council adopted December 18, 1967 and approved by the Mayor on December 27, 1967. The first Phase will consist of a 10-story high rise building containing 171 efficiency apartments and 72 one-bedroom apartments. Phase II will consist of a series of two story inter-connected buildings containing between 88 and 110 apartments of efficiency and one bedroom unit composition. At least 10% of the units will be made available to low-income elderly through a long term leasing arrangement with the Boston Housing Authority.

The project will be built with funds obtained under the Senior Citizens Housing Loan Program of the Community Facilities Administration of the United States Department of Housing and Urban Development. Subject to the Authority's approval of this project and final approval of the CFA mortgage, the Applicant expects that it can start the project in November of 1968 and complete Phase I in about a year and one-half. Upon the completion of Phase I, The Jewish Community Housing intends to apply for a CFA mortgage commitment on Phase II and the scheduled time from the commencement of processing to completion should be approximately two years. The entire project is expected to be completed in the Spring or Summer of 1972.

As required by Chapter 121A of the General Laws, I recommend that the Authority adopt the Report of the project.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision on Application for Approval of The Redevelopment Project located off Wallingford Road in Brighton by The Jewish Community Housing for the Elderly, Inc." be and hereby is approved and adopted.

